

**United States District Court
Northern District of New York**

BRANDON DANIEL CIANCIO,)	Case 5:21-cv-00159-GTS-ATB
)	
<i>Plaintiff,</i>)	Glenn T. Suddaby
)	United States District Court Judge
vs.)	
)	Andrew T. Baxter
KILOLO KIJAKAZI, ¹)	United States Magistrate Judge
Acting Commissioner of the Social)	
Security Administration)	Stipulation – Document Filed Electronically
)	
<i>Defendant.</i>)	August 31, 2021

Parties' Stipulation for Remand

The parties stipulate that the Commissioner's final decision be reversed and that this action be remanded to the Commissioner for further administrative proceedings pursuant to the sixth sentence of 42 U.S.C. § 405(g). Due to an error in the recording process during the administrative hearing, the Social Security Administration is unable to prepare the administrative record, and a de novo hearing and decision are necessary. Since remand is ordered pursuant to the sixth sentence of 42 U.S.C. § 405(g), this Court retains jurisdiction and no Judgment needs to be entered at this time.

Respectfully Submitted,

Kilolo Kijakazi,

By Her Attorneys

Antoinette T. Bacon,
Acting United States Attorney

Brandon Daniel Ciano,

By His Attorney

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

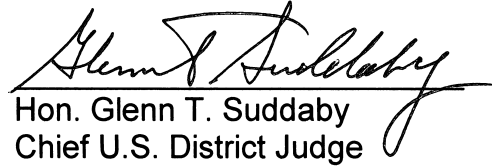
/s/ Jessica Richards

Jessica Richards
Special Assistant United States Attorney
N.D.N.Y. Bar Roll No. 700996
Social Security Administration
Office of the General Counsel
J.F.K. Federal Building, Room 625
Boston, MA 02203
(617) 565-1833
jessica.richards@ssa.gov

/s/ Howard D. Olinsky²

Howard D. Olinsky, Esq.
Olinsky Law Group
250 S. Clinton Street, Suite 210
Syracuse, NY 13202
(315) 701-5780
holinsky@windisability.com

IT IS SO ORDERED:


Hon. Glenn T. Suddaby
Chief U.S. District Judge

Dated: 9/3/2021
Syracuse, NY

² Signed by Jessica Richards with Howard D. Olinsky's permission via email on August 31, 2021.